

HOUSE CONCURRENT RESOLUTION NO. 1008

A CONCURRENT RESOLUTION, Urging Congress not to impose any new performance fees, taxes, royalties, or other charges relating to the public performance of sound recordings on local radio stations and to support the Local Radio Freedom Act.

WHEREAS, South Dakota citizens enjoy broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among these industries for many decades;

WHEREAS, for more than eighty years, the U.S. Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio and upsetting the mutually beneficial relationship between local radio and the recording industry;

WHEREAS, local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio airplay, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise;

WHEREAS, Congress found that the sale of many sound recordings and the careers of many performers benefited considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting;

WHEREAS, local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as September 11th, and Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee;

WHEREAS, there are many local South Dakota radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

WHEREAS, the hardship that would result from a new performance fee would hurt South Dakota businesses, and ultimately the South Dakota consumers who rely on local radio for news, weather, and entertainment; and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-Third Legislature of the State of South Dakota, the Senate concurring therein, that the South Dakota Legislature urges Congress not to impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over-the-air, or on any business for such public performance of sound recordings; and

BE IT FURTHER RESOLVED, that the South Dakota Legislature urges Congress to support the Local Radio Freedom Act.

Adopted by the House of Representatives,
Concurred in by the Senate,

February 22, 2008
February 26, 2008

Thomas J. Deadrick
Speaker of the House

Karen Gerdes
Chief Clerk of the House

Dennis Daugaard
President of the Senate

Trudy Evenstad
Secretary of the Senate